

INFORMATION TECHNOLOGY

SYSTEMS AND TECHNOLOGY

As you develop your child support program or enhance an existing one, OCSE recommends that you consider the types of technology available to you. Many tribes use a combination of automated office applications and manual processes to perform case management functions on child support cases. Some tribes use a state's computer system and others use commercial case management software for processing child support cases. All child support programs are responsible for maintaining an accurate case inventory documenting case actions and collections disbursements.

TRIBAL AUTOMATION OPTIONS

The [45 CFR 310](#) enables tribes and tribal organizations that operate comprehensive tribal child support programs under Title IV-D of the Social Security Act to apply for, and upon approval, receive direct federal funding for the costs of automated data processing. The regulation provides federal financial participation (FFP) for comprehensive tribal child support programs to install, operate, maintain, and enhance automated data processing systems in accordance with section 455(f) of the Act.

As specified in section 310.5 of the regulation and outlined in [IM-10-02 - Questions and Responses regarding the Model Tribal System Final Rule](#) there are five options for tribal automation that are eligible for FFP:

- Model Tribal System;
- Intergovernmental Service Agreement with a state;
- Intergovernmental Service Agreement with another tribe (including tribal consortia);
- Office automation; or
- A system developed with 100% tribal funding (an alternative to computerized tribal child support systems and office automation), which is eligible for FFP for ongoing maintenance and operation.

In addition, as outlined in 45 CFR 309.145(h), tribes are also eligible for FFP in the cost to conduct planning activities related to determining the most effective and efficient option for tribal automation.

Lastly, tribal child support programs may also choose to design, develop, procure, or otherwise enhance an existing tribal system funded entirely with tribal funds. The preamble to [45 CFR Parts 309 and 310](#) provides additional details about tribal automation.

MODEL TRIBAL SYSTEM (MTS)

During tribal consultation, it became clear that neither tribes nor the federal government could afford to build and pay for individual tribe computer systems with the scope and complexity of statewide systems. Therefore, OCSE and tribes determined to build one model system that could perform the functions needed for tribal case management and be replicated by each tribe at tribal option.

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The intent in developing the MTS was to provide an affordable alternative that would meet the majority of the tribes' automation needs. The MTS handles all tribal child support case processing functions as defined in the regulation and also provides a number of important functions not specifically cited by regulation, but which are necessary for efficient case management, including:

- calendaring;
- worker "to-do" lists;
- case event histories;
- case notes; and
- financial case management including check processing, electronic funds transfer (EFT), and support for debit cards and direct deposit.

The MTS software is available to any tribal child support program that chooses to use it. Costs related to the planning and installation of the MTS are eligible for enhanced 90% FFP.

Installation costs can include:

- set-up and configuration of the MTS;
- testing;
- data clean up and conversion;
- training;
- help desk services; and
- the costs to acquire and install new operating systems and hardware, such as computer servers and networking.

Upon completion of installation activities, ongoing costs for operation and maintenance of the MTS are eligible at the tribe's regular program matching FFP rate.

The OCSE website has information on automation. Specific informational resources include:

- [AT-13-04: Tribal Advance Planning Document \(APD\) Process and Model Tribal System \(MTS\) Frequently Asked Questions](#)
- [Tribal APD Template](#): Template for tribes to develop an Advance Planning Document to request federal funding to use the MTS or an existing system
- [Personal Computer Hardware Specifications](#): Provides recommended configuration for office automation or MTS workstations

The analysts in the OCSE Division of State and Tribal Systems (DSTS) are available to provide technical assistance and answer questions about MTS or automation issues. For more information or to request assistance, please contact: MTSProject@acf.hhs.gov.

IT CONTRACTS, EQUIPMENT AND SUPPLIES

Funding requests for IT-related expenditures must meet specific criteria to ensure a favorable budget review by OCSE's DSTS. Past approvals of IT-related contracts, equipment and supplies are not considered when approving the current fiscal year budget. Each submission is reviewed independently regardless of previous year approvals.

The regulations at 45 CFR 310 provide details on what is eligible for FFP. Funding is available only for operation and maintenance of alternative automated systems. OGM will not approve funding for the development, installation, training or travel costs associated with alternative automated systems.

If a tribe intends to purchase and install an automated child support system, the system must meet the requirements found in [45 CFR 310](#) and other applicable federal regulations. If a tribe intends to submit a request for funding of a system, the tribe must submit an Advance Planning Document as defined in [45 CFR 96.605](#), and a separate budget proposal.

All IT contracts and agreements must address the following:

- Terms of all contracts must be for the federal fiscal year (FFY) for which the tribe is requesting the funding.
- Funding will not be awarded for expenditures linked to expired contracts and agreements.
- OCSE recommends Firm Fixed Price contracts because it allows the tribe to transfer risk(s) to the contractors.
- Tribe must also clearly identify the option year. For example, if it is Year 2 of 4 option years, state it clearly.
- All contracts must include a clear scope of work with a detailed description of the services the contractor will provide.
- A tribe should not assume that a technical consultant would provide all technical services unless it is explicitly stated in the contract along with detailed descriptions.
- Include all documents referred to as attachments in the contract and agreement.
- The tribe must submit all sub-contractors' contracts with each contract and agreement.
- The tribe must identify sub-contractor contracts as such by including the sub-contractor name and contact information.
- All requirements that apply to the prime contractor apply to any sub-contractors.
- Before submitting the budget, verify that all the following provisions are included in each contract:
 - Confidentiality in accordance with [45 CFR 309.80](#)
 - Access to System Records in accordance with 45 CFR Parts 75.329, 75.361, 95.615, and 310.40
 - Record retention in accordance with 45 CFR 75.361
 - Copyrights in accordance with 45 CFR 75.322(b)

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- Software and Ownership rights in accordance with 45 CFR Parts 95.617 and 310.25(c)
 - Compensation to contractors must be reasonable and on par with the current market rate for similar services.
 - The tribe should be prepared to provide OGM with the basis for the estimate of compensation.
 - For all contracts that exceed \$2 million, the tribe must provide the names of all staff resources along with a resume for each; the number of projected hours of work; and indicate whether the staff is full time or part time.
 - Verify that the costs listed in the contracts and agreements match the costs listed in the budget and budget justification narrative.
- The tribe must provide copies of all executed IT contracts, agreements and service orders.
 - For contracts that the tribe cannot execute until OGM awards funding, the tribe must provide a draft copy of the contract and an assurance to OCSE that they will submit a copy of the document immediately following the execution of each document.

OCSE recommends that all contracts include standard language regarding warranty, security and privacy, and waiver and governing law. Below is sample language that OCSE recommends for tribes to include in tribal contracts: (next page)

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A. WARRANTY

Subcontractor warrants their work under this Contract to be free of defects and perform as designed and approved under this Agreement.

B. SECURITY AND PRIVACY

Subcontractor agrees to adhere to all personal privacy and security requirements of the Tribe, including securing and protecting personally identifiable information of individual Tribal members and IV-D program participants. Contractor will comply with the safeguarding procedures related to the Tribe's compliance with 45 CFR 309.80, including

(a) Procedures under which the use or disclosure of personal information received by or maintained by the Tribal IV-D agency is limited to purposes directly connected with the administration of the Tribal IV-D program, or titles IV-A and XIX with the administration of other programs or purposes prescribed by the Secretary in regulations.

(b) Procedures for safeguards that are applicable to all confidential information handled by the Tribal IV-D agency and that are designed to protect the privacy rights of the parties

(c) Procedures under which sanctions must be imposed for the unauthorized use or disclosure of information covered by paragraphs (a) and (b) above.

Contractor further agrees to adhere to the security requirements imposed under Internal Revenue Service Security Guidelines as published in IRS 1075 Publication, as well in accordance with all instructions published by the Federal Office of Child Support Enforcement. In accordance with IRS Publication 1075, 45 CFR 34, 36, contractor agrees to comply with the terms and condition in the later section of this contract on Federal Tax Information Safeguarding.

C. WAIVER AND GOVERNING LAW

The failure of either party to require strict compliance with any of the terms of this Agreement shall not be deemed a waiver of that or any other term of the Agreement. The parties will use their best efforts to amicably resolve any dispute. Nothing contained in this Agreement shall be construed to waive the sovereign rights of the Tribe, its officers, employees, or agents. This Agreement shall be performed within the applicable guidelines, resolutions, and ordinances of the Tribe. State law shall not be applicable to this Agreement, nor shall any disputes be subject to any authority outside of the Tribe. Provided, however, that in the event that the federal government determines that any provisions of this Agreement violates the Tribe's IV-D Plan, said provision shall be null and void to the extent of such violation, but remaining provisions of this Agreement shall be in full force and effect.

Figure 11: Sample

COPYRIGHTS, OWNERSHIP, AND PROCUREMENT REQUIREMENTS

OCSE issued [PIQT 16-01: Uniform Guidance Questions for Tribal Programs](#) to provide guidance to tribes regarding the federal requirements for copyrights, ownership, and procurement that apply to tribal programs. In addition to meeting the federal requirements, copyrights, ownership, and confidentiality provisions help to protect tribes from the loss and unauthorized use and disclosure of information or products used or developed under a tribal child support contract.

IT EQUIPMENT AND SUPPLIES

The specifications for all computer equipment to be procured or already procured for office automation and automated child support systems must adhere to the OCSE recommendations provided in the [MTS and Office Automation Personal Computer Recommendations document](#). The tribe should provide justification/ rationale for the purchase of computers (laptops, notebooks, copiers, printers, servers, etc.) and equipment (copiers, printers, video conferencing equipment, etc.)

Additionally, the tribe must provide a list of all equipment (e.g. hardware, laptops, notebooks, copiers, printers, servers, etc.) purchased in the past three years including end of life on all equipment, if known. Please compile this information in an appendix and include the name of the equipment, number of items, and acquired date. For all IT supplies, provide an itemized list with the quantity, cost and specifications and include contracts if applicable. Identify the software included in the requested cost total, in a detail comparable to the OCSE recommendations document.

If your tribe has a large IT department, consider collaborating with them when purchasing IT equipment and supplies. IT departments often have specific companies they order from at discounted rates. For complete details of the regulations cited above, you can access an electronic [Code of Federal Regulations](#).

ACCESS TO THE FEDERAL PARENT LOCATOR SERVICE (FPLS)

The Preventing Sex Trafficking and Strengthening Families Act of 2014 ([AT-14-08](#)) authorized OCSE to provide tribal child support programs with access to the FPLS, OCSE's major data systems. The FPLS is an automated system, owned and operated by OCSE. Tribes must complete specific actions as outlined in [TDCL-16-01: Tribal Access to the FPLS](#) in order to access the FPLS. In summary:

- The tribe must submit an independent self-assessment to OCSE. OCSE will review the self-assessment to determine if the appropriate security measures are in place. See Resource: <https://www.acf.hhs.gov/css/resource/finding-the-right-security-control-assessor>
- OCSE will forward the Security Agreement and the Reimbursement Agreement, which includes the tribal-specific fee, to the tribal IV-D Director. Also included will be instructions and payment options to remit payment.
- The tribal child support director will return both the signed Security Agreement and the Reimbursement Agreement. Fees must be paid upon receipt of the invoice, but no later than 90

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days of signing the agreement. This may be done by check, credit card or electronic funds transfer. Instructions on how to remit payment will accompany the invoice.

- Once the Security and Reimbursement Agreements are executed, OCSE will contact the tribe to coordinate training. Each tribe will receive training through webinars and technical assistance. Once training is completed, tribes can begin to access FPLS.

On July 26, 2016, OCSE issued [IM-16-03: Information for Tribal Access to the FPLS](#). This IM contains questions and answers about FPLS fees, independent security assessments and data safeguarding requirements. Please review this information if your tribe is interested in using the FPLS.

Tribes will receive the following FPLS information through the Portal:

- The National Directory of New Hires is the national registry of employment, quarterly wages, and unemployment application and benefit information. The registry receives approximately \$625 million wage records for state workforce and federal agency workers and 35 million unemployment applications or benefit records for state workforce agencies each year.
 - \$760 million in child support collections is attributed to NDNH matches in 2015
- The Federal Case Registry (FCR) is a nationwide registry of IV-D and non-IV-D child support cases. It contains 20 million case records, and information on 27 million parents and 21 million children.
 - Tribal programs are not required to send tribal case information to the FCR; however, the programs will benefit from the information contained in the FCR.
- External locates are matches that are completed with other federal agencies. These include:
 - Department of Defense: provides information on active duty personnel, reservists, and retired military personnel
 - Veterans Affairs: provides information on beneficiaries
 - Federal Bureau of Investigation: provides information on active, inactive, and retired employees
 - Social Security Administration: provides disability and retirement income; Supplemental Security Income; death information and prisoner information on 5,407 federal, state and local facilities
- DoD Entitlement is an application on the Portal that allows tribes to request military entitlement information for noncustodial parents, putative fathers, and custodial parents. It may only be used to establish or modify child support orders.